

REMARKS

I. Introduction

In response to the Office Action dated December 27, 2004, Applicants have amended claims 32, 33, 39 and 40 in the manner suggested by the Examiner so as to address the pending objections. It is respectfully submitted that the pending objections have been overcome in view of the foregoing amendments. Also, Applicants have amended claims 20 and 26-29 to provide proper antecedent basis as indicated by the Examiner. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection Of The Claims Under 35 U.S.C. § 112, Second Paragraph

Claims 20-27 and 39-40 are rejected under 35 U.S.C. § 112, second paragraph, because of lack of antecedent basis. In response, the rejected claims have been amended to overcome the alleged indefiniteness and are submitted to now be definite. Accordingly, it is respectfully requested that the rejection of claims 20-27 and 39-40 under 35 U.S.C. § 112, second paragraph, be withdrawn in view of the foregoing amendment.

III. Double Patenting

Claims 20-37 and 39-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of USP No. 6,244,095 ('095 patent), claims 1-10 of USP No. 6,705,151 ('151 patent) or claims 1-11 of USP No. 6,732,586 ('586 patent). Applicants respectfully traverse this rejection for at least the following reasons.

Under the current patent practice, a patent issuing on an application with respect to which a *requirement for restriction* has been made, or on an application filed as a result of such a requirement, cannot be used as a reference against a divisional application, if the divisional application is filed before the issuance of the patent of the parent application (see, **M.P.E.P. § 804**). Accordingly, the Examiner's obviousness-type double patenting rejection utilizing claims 1-10 of the '151 patent is improper, because the instant application is a divisional application of the '151 patent, where the pending claims were previously restricted during the pendency of the '151 patent, and that the instant application was filed (July 8, 2003) before the issuance of the '151 patent (March 16, 2004).

Similarly, the Examiner's obviousness-type double patenting rejection utilizing claims 1-11 of '586 patent is also improper, because the '586 patent, issued on May 11, 2004, is drawn the non-elected distinctive species illustrated in Fig. 30 of the parent application, where independent claim 1 of the '586 patent corresponds to original claim 2 of the parent application.

For all of the foregoing reasons, it is respectfully submitted that only claims 1-14 of the '095 patent are applicable for obviousness-type double patenting purposes. Nonetheless, Applicants respectfully submit that the pending claims are not obvious in view of claims 1-14 of the '095 patent for the reasons set forth below.

Specifically, with respect to claim 20, this claim recites in-part "a detection unit including ... a *differential amplifier* and a *synchronous demodulator*, wherein ... said differential amplifier amplifies a difference in outputs ... and wherein said synchronous demodulator detects an output from said differential amplifier in synchronous with the driving signal" However, as is apparent from the '095 patent, claims 1-14 thereof are completely silent with regard to any

differential amplifier or a *synchronous demodulator*, let alone perform the specific function in the manner recited by the pending claims.

With respect to claim 29, claims 1-14 of the '095 patent are also silent with regard to “a *control unit* for stopping the self vibration,” “a *signal generator* for applying an adjusting signal ... during a *working state* of the control unit” and “an adjusting unit for adjusting an *electrostatic coupling signal*”

Accordingly, for all of the foregoing reasons, Applicants respectfully request that the pending rejection under the judicially doctrine of obviousness-type double patenting of claims 1-14 of USP No. 6,244,095 ('095 patent), claims 1-10 of USP No. 6,705,151 ('151 patent) or claims 1-11 of USP No. 6,732,586 ('586 patent) against the pending claims be reconsidered and withdrawn.

IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

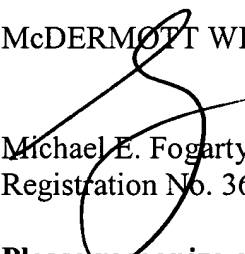
If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Application No.: 10/614,026

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/AHC
Facsimile: 202.756.8087
Date: March 28, 2005

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